[IN REVISION.]

1920.

Present: De Sampayo J.

In re GANAPATHIPILLAI.

P. C. Colombo, S. 86.

Fugitive Offenders Act, 1881—Power of Supreme Court to revise orders of Magistrate under the Act—Act applicable to Kedah—Warrant authenticated by British Adviser of Kedah held sufficient.

The Supreme Court has jurisdiction to revise the orders made by a Police Magistrate under the Fugitive Offenders Act, 1881.

By the Order in Council of October 24, 1916, the Fugitive Offenders Act is made applicable to the States mentioned therein (including Kedah, in the Malay Peninsula) as if they were British Possessions, and the Order in Council of January 2, 1918, by which, *inter alia*, Ceylon and Kedah were grouped together for the purpose of inter-colonial backing of warrants under part II. of the Act, does not restrict the effect of the former Order of 1916, and, consequently, part IV. of the Act was held applicable to Kedah.

A warrant signed by the Chief Judge of the High Court of Kedah and authenticated by the British Adviser was held to be duly authenticated under the Act.

THIS was an application for the revision of an order of the Police Magistrate of Colombo refusing to order one Ganapathipillai to be returned to Kedah, for whose arrest a warrant had been issued by the High Court of Kedah under the Fugitive Offenders Act. The Supreme Court, after hearing the Solicitor-General, ordered notice to be served on Ganapathipillai.

A. St. V. Jayawardene (with him *Balasingham* and *Croos-Dabrera*), for the accused (Ganapathipillai).—The application for revision is irregular. The procedure is laid down in the Fugitive Offenders Act itself. The right of appeal is expressly given in two matters (see section 17 and 19). Where no right of appeal is so given, there is no right of appeal. The provisions of the Criminal Procedure Code and the Courts Ordinance as to the powers of the Supreme Court in revision do not apply to proceedings under the Fugitive Offenders Act. It was held in India that a Magistrate acting under the Fugitive Offenders Act is not subject to the Appellate Jurisdiction of the Court. See *38 Cal. 547;* see also *11 Mad. 26.* No appeal lies from an order of this kind (see *14 Halsbury 427*). Counsel also referred to *41 Cal. 400; 42 Cal. 793.*

The part of the Act which applies to convicted prisoners is section 34. The Order in Council of January 2, 1918 (see *Government Gazette* of March 28, 1918), which groups Ceylon with Kedah,

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refers only to the inter-colonial backing of warrants in part II. Section 34 is in part IV., and is not referred to in the said Order in Council.

The Order in Council of October 24, 1916, does not refer to Ceylon. The Courts in Kedah cannot ask for surrender of a convicted person acting under section 34 of the Act.

The warrant in question is not duly authenticated as required by section 29. It is authenticated by the British Adviser. That is not enough. The signature of the Judge has not been proved as required by the Act.

Akbar, Acting S.-G. (with him *Dias, C.C.*), for the Crown.—It was held in Ceylon that the Supreme Court has jurisdiction to act in revision in these matters. See *Alles v. Palaniappa Chetty.*[1]

The Indian cases were decided under the Extradition Act, the provisions of which are different from the Fugitive Offenders Act. Sections 21 and 40 of the Courts Ordinance give the Supreme Court ample powers to deal in revision with an application of this kind. Counsel also referred to P. C. Colombo, 6,142;[2] *The King v. Noordeen;*[3] *41 Cal. 400; 42 Cal. 793.*

It is not necessary that section 34 should be specially brought into force in any place by a special Order in Council. Section 36 gives power to the King to apply the Act to other than British Colonies. The Order in Council of 1916 introduced the whole Act to Kedah, although it was not a British Colony or Possession. Both the Orders in Council of 1916 and 1918 should be read together.

The warrant is properly authenticated, as it is authenticated by the British Adviser. The term " Governor " is made to mean the " British Adviser " for the State of Kedah by Order in Council of 1916.

A. St. V. Jayawardene, in reply, referred to *Sohom's Criminal Procedure Code, p. xv.*

Cur. adv. vult.

May 11, 1920. DE SAMPAYO J.—

This is an application by the Solicitor-General for the revision of an order of the Police Magistrate of Colombo refusing to order one Ganapathipillai, for whose arrest a warrant had been issued by the authorities of Kedah, to be returned to Kedah. It appears that Ganapathipillai was convicted by the High Court of Kedah for the offence of attempting to cheat, and was sentenced to three months' imprisonment, and that, pending an appeal, which he took, he absconded and fled to Colombo. A provisional warrant was issued by the Police Magistrate of Colombo, to whom application was made by the local police on cable instructions from Kedah.

[1] *(1917) 19 N. L. R. 334.*

[2] *S. C. Min. Jan. 23, 1917.*

[3] *(1910) 13 N. L. R. 115.*

for the arrest of Ganapathipillai. He surrendered to Court, and was enlarged on bail pending the arrival of an indentifying officer with the original warrant. On March 19, 1919, an Inspector of Police, Kedah, who had in the meantime arrived, produced the warrant, and identified Ganapathipillai. His extradition was, however, resisted on the ground (1) that part IV. of the Fugitive Offenders Act, 1881, relating to the backing of warrants and escape is not applicable to the State of Kedah, and (2) that the warrant was not duly authenticated. These objections were upheld by the Police Magistrate, and the prisoner, Ganapathipillai, was discharged.

Before dealing with the above questions, I must dispose of an objection taken to the application for revision. It is contended on behalf of the prisoner that the provisions of the Courts Ordinance and the Criminal Procedure Code with regard to the powers of revision vested in the Supreme Court are inapplicable to the proceedings under the Fugitive Offenders Act, which itself contains no provision for appeals or applications for revision, and that a Police Magistrate acting under the Fugitive Offenders Act is not a Magistrate whose proceedings in that respect are subject to the ordinary appellate or revisionary jurisdiction of the Supreme Court. In support of this contention, Mr. A. St. V. Jayawardene cited the Indian case *Stallman v. Emperor*.[1] But that decision is not at all in point. In the first place, it was not a case under the Fugitive Offenders Act, but one under the Indian Extradition Act, 1903. The prisoner in that case was a German, and the case was governed by the Extradition Treaty between England and Germany. The procedure in such cases under the Extradition Act is for the Executive Government to refer the matter to a Magistrate to make inquiry and report the result to Government. The High Court, to which an application was made to quash the proceedings of the Magistrate on certain grounds, held that it had no jurisdiction to interfere in the matter, that the functions of the Magistrate, were wholly dependent on the authorization of the Executive Government, and that any aggrieved person must apply to the Government and not to the Appellate Court, to whose jurisdiction the Magistrate acting under the Extradition Act was not subject. In the next place, the Police Magistrate of Colombo is acting in this matter, not under the orders of the Executive Government, but under the statute, nor is his duty merely to report to Government. He is exercising jurisdiction in his ordinary capacity as Police Magistrate, and is acting judicially.

The Indian case, *Gulli Sahu v. Emperor*,[2] which was also a case under the Extradition Act, so far as it decided that the execution of a warrant by a Magistrate in British India under the Extradition Act is an executive act, and that his proceedings cannot be interfered

[1] *(1911) I. L. R. 38 Cal. 547.*
[2] *(1913) I. L. R. 41 Cal. 400 ; (1914) I. L. R. 42 Cal. 793.*

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with by the High Court, is, for the reasons above given, equally inapplicable to the present case. But it is noticeable that the Court at the same time held that where the order of the Magistrate was in fact without jurisdiction, the same was revisable by the High Court. I think that the Supreme Court, to which section 21 (2) of the Courts Ordinance gives the "sole and exclusive cognizance by way of appeal and revision of all causes, suits, actions, prosecutions, matters, and things of which such original Court may have taken cognizance," has jurisdiction to revise and correct the proceedings of the Magistrate acting under the Fugitive Offenders Act. This view is in accord with the decision of Shaw J. in *Alles v. Palaniappa Chetty*.[1] I am, therefore, free to consider the application on its merits.

With regard to the main objections, it is convenient to make some analysis of the Fugitive Offenders Act and to state its relevant provisions. The Act consists of four parts. Part I. under the heading "Return of Fugitives" provides that where a person accused of having committed an offence in one part of the British dominions has left that part, such person if found in another part of the British dominions shall be liable to be apprehended and returned in manner provided by the Act to the part from which he is a fugitive. Then follow provisions for the endorsing by certain authorities of the part in which the fugitive is found of any warrant issued in the part in which the offence has been committed, and for the apprehension of such offender thereunder and for bringing him before a Magistrate. A Magistrate of any part of the British dominions may also issue a provisional warrant for the apprehension of a fugitive. When the fugitive is brought before the Magistrate, provision is made for dealing with him and for committing him to prison to await his return, and, eventually, to return him to the place from which he is a fugitive. Part II. of the Act is concerned with "Inter-Colonial Backing of Warrants and Offences." Section 12 provides that "this part of the Act shall apply only to those groups of British Possessions to which by reason of their contiguity or otherwise it may seem expedient to His Majesty to apply the same," and further provides that "it shall be lawful for His Majesty from time to time by Order in Council to direct that this part of the Act shall apply to the group of British Possessions mentioned in the Order." The other provisions of this part have to do with the proceedings to be taken for the return of a fugitive from one British Possession to another, and need not be particularly mentioned. Part III. relates to trial of offences under certain circumstances, and does not bear on the present case. Part IV. of the Act, with which the argument in this case is chiefly concerned, relates to endorsement of warrants conveyance of fugitives, escape of prisoners from custody, authentication of

[1] *(1917) 19 N. L. R. 334.*

depositions and warrants, and exercise of jurisdiction by Magistrates, &c. Of the provisions of this part of the Act, that which is more directly applicable to this case, is section 34, which is as follows:—

> "Where a person convicted, by a Court in any part of His Majesty's dominions, of an offence committed either in His Majesty's dominions or elsewhere is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as it is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of His Majesty's dominions in which such person was convicted."

With regard to places out of the British dominions, section 36 enacts that "it shall be lawful for His Majesty from time to time by Order in Council to direct that this Act shall apply as if any place out of His Majesty's dominions, in which His Majesty has jurisdiction and which is named in the Order, were a British Possession, and to provide for carrying into effect such application." And by the Amending Act, 44 and 45 Vict., c. 69, His Majesty was empowered by Order in Council to apply the Fugitive Offenders Act to any place or group of places over which His Majesty extends his protection. Accordingly, by Order in Council dated October 24, 1916, it is ordered that the Fugitive Offenders Act, 1881, shall apply as if the States named in the schedule to the Order were British Possessions. The States or Protectorates named in the schedule are the Federated Malay States, Johore, Kedah and Perlis, Kelantan, Brunei, and North Borneo. It is thus clear that the protected State of Kedah is one to which the Fugitive Offenders Act, 1881, applies. It remains to show how Ceylon is brought into relation with Kedah. As above stated, in part II. of the Act, which provides for "Inter-Colonial Backing of Warrants," occurs section 12, which enacts that that part of the Act shall apply only to those groups of British Possessions to which by reason of their contiguity or otherwise it may seem expedient to His Majesty to apply the same, and by which power is given to His Majesty by Order in Council to direct that that part of the Act shall apply to the group of British Possessions mentioned in the Order. Accordingly, by Order in Council dated January 2, 1918, and published in the *Government Gazette* of March 28, 1918, British India, certain Colonies including Ceylon, and certain protected States including Kedah, were grouped together for the purpose of inter-colonial backing of warrants under part II. of the Act. It is on the circumstance that in this Order in Council part II. of the Fugitive Offenders Act, 1881, is made applicable to these Colonies and States that the first objection to the proceedings is founded, namely, that the other parts of the Act do not apply. This ignores the fact, which I have already mentioned, that by the previous Order in Council of October

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24, 1916, the Fugitive Offenders Act as a whole is made applicable to the States mentioned. It was then only necessary to extend to the group of Colonies and States in question part II. of the Act relating to backing of warrants, and this is all that was done by the Order in Council of March 28, 1918. I, therefore, think that the first objection is not well founded.

The next question is as to the due authentication of the warrant. By section 29 of the Act it is enacted that warrants, *inter alia*, shall be deemed duly authenticated for the purposes of the Act if they purport to be signed by a Judge, Magistrate, or officer of the part of His Majesty's dominions in which the same are issued, and are authenticated either by oath of some witness or by being sealed with the official seal of a Secretary of State or with the public seal of a British Possession or with the official seal of a Governor of a British Possession. The argument is that in the circumstances of this case the warrant should have been authenticated by the official seal of a Governor. The warrant in this case is signed by the Chief Judge of the High Court of Kedah, in which Ganapathipillai was tried and convicted, and is authenticated by the British Adviser, Kedah. Now, by the Order in Council of October 24, 1916, already referred to, it is declared that as regards Kedah, Perlis, and Kelantan, the "Governor" shall mean the officer for the time being exercising the functions of British Adviser. It is, therefore, quite clear that the warrant has been duly signed and authenticated.

The objection taken on behalf of Ganapathipillai being untenable, the order of the Magistrate is set aside, and the proceedings are sent back to the Magistrate, with directions that he should take the necessary steps under the Fugitive Offenders Act, 1881, for apprehending again the prisoner Ganapathipillai and for returning him to the State of Kedah.

On May 15, 1920, the petitioner surrendered to Court, filed an affidavit, and moved the Court to exercise its powers under section 19, and to consider whether in all the circumstances of the case it would not be injurious or offensive to surrender him. The Magistrate declined to do so. The accused appealed.

The following was the affidavit filed:—

I, Sangarapillai Ganapathipillai, of Karadive East, in the District of Jaffna, presently at Colombo, do hereby solemnly and sincerely declare and affirm as follows:—

1. I am the accused in Kedah criminal case No. 86/36.

2. A warrant has been issued by the Government of Kedah for my arrest under the Fugitive Offenders Act, 1881.

3. The Malay Judge who tried the case with Mr. Gibson was, to the best of my knowledge and belief, not versed in English law and procedure, and was totally ignorant of the English language.

4. The said Mr. Gibson was also the Legal Adviser to the Government of Kedah.

5. Lawyers are not allowed to appear in the Kedah Courts. Mr. Isaac Tambiah, Advocate, asked for leave to appear on my behalf, and he was told that the leave could not be granted, and that there was no objection to his appearing as a spectator.

6. The State Council, to which I appealed from the decision of the High Court in the above case, consisted of four Malays, being no better in point of legal attainments and knowledge of the English language than the Malay Judge who was associated with Mr. Gibson.

7. That my return under the Fugitive Offenders Act is not sought for in good faith and in the interests of justice.

8. There was no definite charge framed against me under any law.

9. My important witnesses were not heard, although application was made by me.

10. There is no guarantee that I shall be allowed to serve my term in safety.

11. I have several enemies in the Public Works Department, who are solely responsible for the charge that was laid against me.

12. On my return further charges are sure to be framed against me, and I shall be condemned to serve a further term of imprisonment, and Kedah authorities will deal with me severely.

13. I have given security in a sum of 2,000 dollars when I was let out on bail, pending the appeal, to the State Council, and this security has now been forfeited.

14. In Ceylon I was arrested once and I surrendered twice, and on all these occasions I had to spend large sums of money in retaining counsel and otherwise in obtaining my release.

15. The fact that the Kedah authorities are persistently trying to get me arrested shows that their intention is to harass me, and I fear that if I am returned to Kedah some harm might be done to my life.

A. St. V. Jayawardene (with him *Arulanandan*), for appellant.

Dias, C. C., for respondent.

June 4, 1920. DE SAMPAYO J.—

This case is once more before me on an appeal by the prisoner Ganapathipillai. When the record went back with my order directing the Magistrate to take the necessary steps under the Fugitive Offenders Act for the return of the prisoner to the State of Kedah, his proctor filed an affidavit from the prisoner, and, for the reasons stated therein, moved that the Court " do inquire into the facts of the case and peruse the proceedings of the Kedah Court and take other evidence, and that the Court do make an order releasing the fugitive S. Ganapathipillai under section 19 of the Fugitive Offenders Act, 1881. The appeal is from an order of the Magistrate refusing this motion, and ordering that the prisoner be remanded and handed over to the Inspector of Kedah to be taken by him to Kedah.

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Section 19 of the Fugitive Offenders Act, 1881, upon which the motion is based, is as follows:—

> Where the return of a prisoner is sought or ordered under this part of this Act, and it is made to appear to a Magistrate or to a superior court that, by reason of the trivial nature of the case or by reason of the application for the return of such prisoner not being in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust, or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the Court or Magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the Magistrate or Court seems just.

Crown Counsel has argued that this section does not apply to convicted prisoners, to whom by section 34 each part of the Act is made applicable, " so far as is consistent with the tenor thereof. " But I can see nothing in the tenor of the above section which is inconsistent with the exercise of jurisdiction under it in regard to a convicted prisoner. The only question appears to me to be whether in the circumstances of this case the jurisdiction ought to be exercised. It is the affidavit of the prisoner which discloses the grounds on which he makes the motion. The affidavit in substance states (1) that the Malay Judge of the High Court who with Mr. Gibson, the Legal Adviser to the Government of Kedah, tried the case was not versed in English law and procedure and was ignorant of the English language, (2) that lawyers are not allowed to appear in the Kedah Courts, and that Mr. Isaac Tambiah, Advocate, was, therefore, not allowed to appear on the prisoner's behalf, (3) that the State Council which heard his appeal was no better in legal attainments and knowledge of English than the Malay Judge who tried the case, (4) that no definite charge was framed against the prisoner, (5) that his witnesses were not heard, (6) that there was no guarantee that he would be allowed to serve his term of imprisonment in safety, as he had several enemies in the Public Works Department, who were solely responsible for the charge against him, and were likely to make further false charges against him, and (7) that his return under the Fugitive Offenders Act was not sought for in good faith in the interests of justice.

This is a kind of wild affidavit containing general statements, upon which it is impossible to act. We cannot in Ceylon, go into the question of the competency of the Kedah Judges. If a Ceylon man were voluntarily to settle in Kedah and become employed in its Public Service, he must generally accept for better or for worse

the constitution of the country and the mode of administration of justice there. But having had submitted to me a copy of the proceedings, which the prisoner desired the Magistrate to peruse, I find nothing wrong in the procedure. A definite charge was framed against the prisoner before the trial began, and he pleaded to it. A number of witnesses were examined both for the prosecution and for the defence, including the prisoner himself, and, after a lengthy trial, the Court gave a well-reasoned judgment. It is true that the prisoner asked for a postponement as some other witnesses were not ready, but the Court noted that he had not taken out *subpœnas*, and the Police who searched for the witnesses could not find them in the State of Kedah. No Court in Ceylon can sit in judgment on the Kedah Court or re-hear a case to see whether a convicted person was guilty or not, but if I had to express an opinion, I should say that the proceedings were quite regular, that the prisoner had every reasonable opportunity of defending himself, and that the conviction was sound. The only statement in the affidavit relevant to the provisions of section 19 is that the prisoner's extradition is not asked for in good faith in the interests of justice. Mr. Jayawardene emphasizes the words " or otherwise " in the passage regarding the application for the return " not being in good faith in the interests of justice or otherwise," and argues that the prisoner is entitled to show any circumstances, such as the prisoner's innocence, which will render his return unjust. But, in my opinion, the words " or otherwise " go with the words " in the interests of justice," and enable the Court to say in a given case that lack of good faith was due to some cause other than that the application was not in the interests of justice, and I think that the words have reference only to the question of good faith. This is a different thing from saying that the Court can go into the question of guilt or innocence of the fugitive. The affidavit is wholly silent as to the reason why good faith in connection with the extradition warrant is impeached. The prisoner cannot expect the Court to enter upon a wide and indefinite inquiry such as is suggested. The prosecutor is not a private individual but a public department, of which the prisoner was an officer, and the offence is cheating, which cannot be said to be trivial within the meaning of section 19. His return would have been made long ago but for the various legal objections he successfully maintained in the Police Court from time to time, and he cannot say that his return now will be oppressive. The inquiry asked for will involve the consumption of an unnecessary and purposeless amount of time and trouble. In my opinion the Magistrate was right in refusing to embark upon the kind of inquiry which the prisoner's affidavit would have necessitated, and in making the order for prisoners' return in accordance with the directions contained in the previous order of the Supreme Court.

The appeal is dismissed.

Appeal dismissed.

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The accused thereupon applied to the Supreme Court for an order admitting him to bail pending an appeal to the Privy Council.

Elliot (with him *Croos-Dabrera*), in support.

Akbar, Acting S.-G. (with him *R. F. Dias, C.C.*), for the Crown.

June 10, 1920. DE SAMPAYO J.—

This is an application for an order admitting the applicant to bail. The applicant is a fugitive offender, who escaped from the State of Kedah, in which he was convicted, to Ceylon. By a previous order of this Court the Magistrate was directed to take the necessary steps under the Fugitive Offenders Act to return the applicant to the State of Kedah. It appears that the Magistrate, in pursuance of that order, has issued notice to the applicant to appear before him on the 16th instant. It appears to me that this application for bail is hardly in order. The applicant is not in custody, and bail is hardly a matter applicable to him in the present circumstances. But I am willing to consider the real difficulty in connection with the application. The question is whether this Court has jurisdiction in a matter like this to make order for bail. The particular reason for asking for bail is that the applicant has instructed a proctor or counsel to prepare papers for an application to the Privy Council for special leave to appeal from the order of this Court and from the conviction in the State of Kedah. Here, again, it appears to me that the stage has not been reached in which the applicant would be entitled to make an application on such a ground. But we have no power conferred upon us to make order for bail, except so far as chapter XXXVI. of the Criminal Procedure Code provides for it. Mr. Elliott, for the applicant, relies on section 396 of that chapter. The scope of that section has already been considered in the case of *The King v. Lokunona.*[1] It was pointed out there that section 396, which empowers this Court to admit to bail " in any case," only refers to persons accused, and not to persons who have been convicted. It happened that in that case Lokunona was convicted of the offence of murder in the Supreme Court, and on an application to the Privy Council leave to appeal was granted, and when a further application was made to the Privy Council to admit the accused to bail, or to order the sentence of hard labour to be suspended, the Privy Council observed that such an application should be made to the local Government or to the Supreme Court. In those circumstances the Court in that case had only to consider whether

[1] *(1908) 11 N. L. R. 120.*

section 396 applied to a person who was already convicted. But the more serious question is whether, in the case of a person who has not been tried or convicted in any Ceylon Court, section 396 has any application. The expression " in any case " appears to me to refer to the class of cases dealt with by the previous section of that chapter, and in the case of a fugitive offender, the proceedings taken under the Figitive Offenders Act to return him to the State from which he is a fugitive are in no way contemplated by that chapter. Mr. Elliott further cited the English case of *The Queen v. Spilsbury*.[1] There the English Court held they had jurisdiction, because under the common law the Court had power to make orders for bail in all cases. But in Ceylon the Supreme Court has no such common law power. Its power and jurisdiction are regulated by statute, namely, either the Courts Ordinance or the Criminal Procedure Code. It is for this reason that Mr. Elliott so strongly relied on section 396 of the Criminal Procedure Code. He also referred us to an Indian case reported in the *Indian Law Reports, 24 Mad., p. 161*, where, in a case of conviction under the Indian Code, leave to appeal having been granted by the Privy Council the High Court of Madras considered that it had power to admit the prisoner to bail pending the decision of the Privy Council. But the Indian section corresponding to section 396 appears to be different in a very important particular. Our section runs as follows: " The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive, and the Supreme Court may in any case direct that any person be admitted to bail, or that the bail required by a Police Magistrate be reduced or increased. " But in the Indian section the following words occur after the words " in any case, " " whether there be an appeal on conviction or not, " thus giving to the expression " in any case " a very wide scope. Whatever the authority of the Indian case may be, I think we are bound by the view expressed in the case of *The King v. Lokunona*,[2] already referred to, and I follow it the more readily, because I think myself that the Court has no power or jurisdiction to admit a person to bail in such circumstances as the present. I would, therefore, refuse this application.

DIAS A.J.—

I am clearly of opinion that this Court has no power to grant the relief asked for in this application. The accused has committed no offence in this country for which bail could be granted or refused, and Mr. Elliott, who very ably argued his case, relied upon section 396 of the Criminal Procedure Code, and contended that this Court had power in any case to admit a person to bail. The two previous

[1] *(1898) 2 Q. B. 619.* [2] *(1908) 11 N. L. R. 120.*

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sections of this chapter refer to the granting of bail by Magistrates in cases of bailable offences and in cases of non-bailable offences, and section 396 confers power on the Supreme Court in any case to direct that a person be admitted to bail, or that the bail required by the Magistrate to be reduced or increased. Clearly that expression " in any case " can only refer to the cases referred to in the two previous sections, and is not of general application. We have been referred to no other statute which confers power on this Court to entertain an application of this kind, and I think that this application has no legal justification for it. It must, therefore, be disallowed.

Disallowed.